

App. No. 09/720998  
Office Action Dated April 6, 2004  
Amd. Dated September 29, 2004

### REMARKS

Reconsideration is respectfully requested in view of the above amendments and following remarks. Claim 1 has been amended to recite the limitation recited in canceled claim 11 and to recite "with the addition of 350-450 moles of H<sub>2</sub>/ kmoles ethylene", support for this amendment is at page 10, lines 33-36 of the specification. Claim 12 has been amended to remove multiple dependencies. Claim 11 has been canceled without prejudice or disclaimer. No new matter has been added. Claims 1-10 and 12-17 are pending.

### Claim rejections - 35 U.S.C. § 102 & 103

Claims 1-17 remain rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Ahvenainen et al. (US 5,326,835). Applicant does not concede the correctness of the rejection and respectfully traverses the rejection.

Claim 1 is directed to a multimodal polyethylene composition for pipes. The multimodal polyethylene comprising a low molecular weight (LMW) ethylene homopolymer fraction is polymerized with the addition of 350-450 moles of H<sub>2</sub>/kmoles of ethylene.

Ahvenainen teaches a multi-stage process for producing polyethylene. Ahvenainen examples teach a ratio of 103-250 moles of H<sub>2</sub>/kmoles of ethylene. Ahvenainen does not teach or suggest the low molecular weight (LMW) ethylene homopolymer fraction is polymerized with the addition of 350-450 moles of H<sub>2</sub>/kmoles

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of ethylene. Thus, Ahvenainen does not anticipate claim 1. Applicant also submits that Ahvenainen does not render claim 1 obvious. One of skill in the art would not have been motivated to modify the teaching of Ahvenainen to obtain the applicant's invention.

Withdrawal of the rejection is respectfully requested.

Claims 2-10 and 12-17 depend either directly or indirectly from claim 1. For the reasons discussed above for claim 1, withdrawal of the rejection is respectfully requested.

Claims 1-17 remain rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Barry et al. (US 6,403,181).

Applicant does not concede the correctness of the rejection and respectfully traverses the rejection.

Claim 1 is direct to a multimodal polyethylene composition for pipes. The multimodal polyethylene comprising a low molecular weight (LMW) ethylene homopolymer fraction is polymerized in the presence of a Ziegler Natta catalyst.

Barry teaches a production of high performance polyethylene pipes. The polyethylene is made with a bimetallic catalyst, a special type of metallocene dual site catalyst. Barry does not teach or suggest a Ziegler Natta catalyst. Thus, Barry does not anticipate claim 1. Applicant also submits that Barry does not render claim 1 obvious. One of skill in the art would not have been motivated to modify the teaching of Barry to obtain the applicant's invention. Withdrawal of the rejection is respectfully requested. Withdrawal of the rejection is respectfully requested.

App. No. 09/720998  
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Claims 2-10 and 12-17 depend either directly or indirectly from claim 1. For the reasons discussed above for claim 1, withdrawal of the rejection is respectfully requested.

In view of the above, favorable reconsideration in the form of a notice of allowance is requested. Any questions or concerns regarding this communication can be directed to the undersigned attorney, John J. Gresens, Reg. No. 33,112, at (612)371.5265.

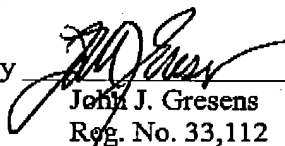
Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, Minnesota 55402-0903  
(612) 332-5300



Dated: September 28, 2004

By

  
John J. Gresens  
Reg. No. 33,112

JJG:mmm